

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

Caption in Compliance with D.N.J. LBR 9004-1(b)

Robert L. LeHane, Esq.
William S. Gyves, Esq.
Kristin S. Elliott, Esq.

KELLEY DRYE & WARREN LLP

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-and-

One Jefferson Road
Parsippany, NJ 07054
Tel: 973-503-5900

Counsel for Pinnacle Hills, LLC

In re:

BED BATH & BEYOND INC., *at al.*,

Debtors¹.

Chapter 11

Case Number: 23-13359 (VFP)

(Jointly Administered)

APPLICATION FOR *PRO HAC VICE* ADMISSION OF PHILIP A. WEINTRAUB

Robert L. LeHane, a member in good standing of the bars of New Jersey and New York (the “Movant”), pursuant to Civ. Rule 101.1(c) of the Local Rules of the United States District Court for the District of New Jersey and D.N.J. LBR 9010-1, respectfully moves this Court, on behalf of attorney Philip A. Weintraub, for an order granting permission to appear *pro hac vice* on behalf Pinnacle Hills, LLC (a “Landlord”) in these cases and in any

¹ The last four digits of Debtor Bed Bath & Beyond Inc.’s tax identification number are 0488. A complete list of the Debtors in these chapter 11 cases and each such Debtor’s tax identification number may be obtained on the website of the Debtors’ proposed claims and noticing agent at <https://restructuring.ra.kroll.com/bbby>. The location of Debtor Bed Bath & Beyond Inc.’s principal place of business and the Debtors’ service address in these chapter 11 cases is 650 Liberty Avenue, Union, New Jersey 07083.

related adversary proceeding(s) filed or to be filed in these Chapter 11 cases. In support of this request, Movant represents as follows:

1. I am a partner at the law firm of Kelley Drye & Warren LLP, which maintains an office at 3 World Trade Center, 175 Greenwich Street, New York, NY 10007. I am admitted to practice in the state of New Jersey and before the United States District Court of New Jersey.

2. I certify that I am, and have remained, a member in good standing of the New Jersey bar at all times, that no disciplinary proceedings are pending against me in any jurisdiction and no disciplinary proceeding has previously been imposed on me in any jurisdiction.

3. Philip A. Weintraub is a senior associate in the bankruptcy practice group at the law firm of Kelley Drye & Warren LLP. Upon information and belief, Philip A. Weintraub is admitted to the bar of the State of New York and the United States District Court for the Southern District of New York. Mr. Weintraub is, and has remained, a member in good standing of the bar of the State of New York at all times, and no disciplinary proceedings are pending against him nor have been imposed on him in any jurisdiction.

4. I have appeared as counsel of record for the Landlord in these cases and shall serve as local counsel upon whom all notices, orders, and pleadings shall be served.

5. I am familiar with the Local Rules of practice of this Court.

WHEREFORE, Movant respectfully requests entry of the Order submitted herewith granting admission *pro hac vice* of Philip A. Weintraub to represent the Landlord in connection with these cases and any related adversary proceeding.

Dated: September 14, 2023

KELLEY DRYE & WARREN LLP

By: /s/ Robert L. LeHane

Robert L. LeHane, Esq.

William S. Gyves, Esq.

Kristin S. Elliott, Esq.

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In re:

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Debtors¹.

Chapter 11

Case Number: 23-13359 (VFP)

(Jointly Administered)

**CERTIFICATION OF PHILIP A. WEINTRAUB
IN SUPPORT OF APPLICATION FOR ADMISSION *PRO HAC VICE***

I, Philip A. Weintraub, certify, pursuant to 28 U.S.C. 1746, as follows:

1. I am an attorney with the law firm of Kelley Drye & Warren LLP, which maintains an office at 3 World Trade Center, 175 Greenwich Street, New York, NY 10007.

¹ The last four digits of Debtor Bed Bath & Beyond Inc.'s tax identification number are 0488. A complete list of the Debtors in these chapter 11 cases and each such Debtor's tax identification number may be obtained on the website of the Debtors' proposed claims and noticing agent at <https://restructuring.ra.kroll.com/bbby>. The location of Debtor Bed Bath & Beyond Inc.'s principal place of business and the Debtors' service address in these chapter 11 cases is 650 Liberty Avenue, Union, New Jersey 07083.

2. I am and have always been, a member in good standing of the bar of the State of New York (2007) and the United States District Courts for the Southern District of New York (2007). No disciplinary proceedings are pending against me in any jurisdiction and no disciplinary proceedings have been imposed on me in any jurisdiction.

3. I am not admitted to practice law in the state of New Jersey and therefore seek *pro hac vice* admission in these cases.

4. Robert L. LeHane, a partner located in the New York office of Kelley Drye & Warren LLP, has appeared as counsel of record for the Landlord and shall be local counsel upon whom all notices, orders, and pleadings shall be served.

5. I am in possession of and have reviewed a copy of the Local Bankruptcy Rules and of this Court.

6. I understand and agree that, if admitted *pro hac vice*, I will be bound by the rules of this Court, including all applicable disciplinary rules, and that I will notify this Court immediately of any matter affecting my good standing before the bar of any jurisdiction.

7. I have made no prior oral or written application to be admitted to this Court in connection with these Chapter 11 cases. This is my first application for *pro hac vice* admission in this District during the year 2023.

I certify under penalty of perjury that the foregoing is true and correct.

Dated: September 14, 2023

/s/ Philip A. Weintraub
Philip A. Weintraub

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DISTRICT OF NEW JERSEY**

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In re:

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Debtors¹.

Chapter 11

Case Number: 23-13359(VFP)

(Jointly Administered)

ORDER FOR ADMISSION PRO HAC VICE

The relief set forth on the following page is **ORDERED**.

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(Page 2)

Debtors: BED BATH & BEYOND INC., *et al.*

Case No.: 23-13359 (VFP)

Caption of Order: ORDER FOR ADMISSION PRO HAC VICE

This matter having been brought before the Court on application for an Order For Admission Pro Hac Vice; and the Court having reviewed the moving papers of the applicant, out-of-state attorney, and considered this matter pursuant to Fed.R.Civ.Proc.78, D.N.J. L.Civ.R.101.1, and D.N.J. LBR 9010-1, and good cause having been shown; it is

ORDERED that Philip A. Weintraub be permitted to appear *pro hac vice*; provided that, pursuant to D.N.J. L.Civ. R. 101.1(c)(4), an appearance as counsel of record shall be filed promptly by a member of the bar of this Court upon whom all notices, orders, and pleadings may be served, and who shall promptly notify the out-of-state attorney of their receipt. Only an attorney at law of this Court may file papers, enter appearances for parties, sign stipulations, or sign and receive payments on judgments, decrees, or orders, and it is further

ORDERED that the applicant shall arrange with the New Jersey Lawyers' Fund for Client Protection for payment of the annual fee, for this year and for any year in which the out-of-state attorney continues to represent a client in a matter pending in this Court in accordance with New Jersey Court Rule 1:28-2 and D.N.J. L. Civ. R. 101.1, said fee to be deposited within twenty (20) days of the date of the entry of this Order, and it is further

ORDERED that the \$150.00 fee required by D.N.J. L. Civ. R. 101(c)(3) for *pro hac vice* admission to the District Court for the District of New Jersey shall also be payable within twenty (20) days of entry of this Order. Payment in the form of a check must be payable to "Clerk, USDC" and forwarded to the Clerk of the United States District Court for the District of New Jersey at the following address:

(Page 3)

Debtors: BED BATH & BEYOND INC., *et al.*

Case No.: 23-13359 (VFP)

Caption of Order: ORDER FOR ADMISSION PRO HAC VICE

United States District Court
District of New Jersey
Martin Luther King, Jr. Federal Building
50 Walnut Street
Newark, N.J. 07102
Attention: Pro Hac Vice Admissions

and it is further

ORDERED that the applicant shall be bound by the Local Rules of the United States District Court for the District of New Jersey and the Local Rules of Bankruptcy Procedure for the District of New Jersey; and it is further

ORDERED that the Clerk shall forward a copy of this Order to the Treasurer of New Jersey Lawyers' Fund for Client Protection within 5 days of its date of entry.